Remarks

In view of the foregoing amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claims 1, 2, 13, 14, 20, 28, and 36 have been amended, claims 5-8, 10-12, and 15-19 have been cancelled, and new claims 38-40 have been introduced. Claims 20-37 currently stand withdrawn. Claims 1-4, 9, 13, 14, 20-42 are pending. Descriptive support for the amendments to claim 1 are provided at page 27, line 25 ("isolated") and in the recitation of various isolated peptide ligands as presently claimed (e.g., SEQ ID NOS:5-13). These ligands also provide descriptive support for new claims 38 and 39. (It should be noted that new claim 39 recites a binding property of the claimed ligands, but recitation of this property does not preclude binding to other peptides that contain SEQ ID NO: 221.) Descriptive support for new claims 40-42 is provided by original claims 20, 28, and 36, and SEQ ID NO: 116.

Initially, applicants would like to note that responsibility for prosecution of the present application has been transferred to Nixon Peabody LLP (Customer No. 26774). Revocation and power of attorney forms are being processed for subsequent submission in this application. The undersigned attorney has authority to act on behalf of the applicants in this application.

Applicants respectfully request withdrawal of the restriction requirement as previously entered for claims 20-37, which presently stand withdrawn. Claims 20, 28, and 36 have been amended to depend from claim 1. Because claim 1 is allowable for the reasons addressed below, applicants respectfully request that claims 20-37 be rejoined with the elected subject matter. New claims 38-42 should also be examined in view of their dependence on elected claims 9, 1, and 13, respectively.

The objection to claims 1-4, 9, 13, and 14 is respectfully traversed. The U.S. Patent and Trademark Office ("PTO") asserts at page 3 of the outstanding office action that use of the language "having" is interpreted to mean "comprising" (i.e., open claim language). Applicants respectfully request withdrawal of the objection, because applicants intend the claim language have this meaning. Any amendment to the claim language is unwarranted. Indeed, no rejection of the claims has been made on this basis.

The rejection of claims 1-4, 9, 13, and 14 under 35 U.S.C. § 101 as encompassing non-statutory subject matter is respectfully traversed in view of the above

amendments to claim 1 (i.e., introduction of the limitation "isolated"). Because the claims do not read on non-statutory subject matter, the rejection should be withdrawn.

The rejection of claims 1-3 under 35 U.S.C. § 112, first paragraph, for lack of enablement is respectfully traversed. The PTO asserts at page 4 of the outstanding office action that the specification enables "peptide ligands." In view of the amendment to claim 1 to recite "isolated prion-binding peptide ligands," the rejection of claims 1-3 should be withdrawn.

The rejection of claims 1 and 2 under 35 U.S.C. § 102(b) as anticipated by Hardt et al., *J. Comp. Pathology* 122:43-53 (2000) ("Hardt") is respectfully traversed.

The PTO has cited Hardt at pages 6-7 of the outstanding office action for teaching antibodies that bind to an epitope that includes the RYPNQ variant of SEQ ID NO: 221 and, thus, the generic sequence of SEQ ID NO: 1.

Because claim 1 has been amended to recite "isolated prion-binding peptide ligands," the claimed peptide ligands do not read on antibodies of Hardt. Therefore, the rejection of claims 1 and 2 should be withdrawn.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: March 20, 2007

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